

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gerald Wayne BOTH, et al.

Serial No.: 09/464,767

Filed: December 16, 1999

For: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL  
VECTOR

: Group Art Unit: 1646

: Examiner:

:

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the Order of the Applicants is incorrect on the Filing Receipt. Attached is a copy of the Declaration and Power of Attorney, which evidences the applicants should be listed as follows: **Gerald Wayne BOTH, David Bernard BOYLE and Sudhanshu VRATI.**

It is also noted that the Number of Drawings is incorrect on the Filing Receipt. We note that this application contains **32 Drawings**.

It is also noted that the Recorded Filing Fee is incorrect. We note that the correct filing fee for this application is **\$1534.00**, including basic filing fee of \$760.00, multiple dependent claims fee of \$260.00, surcharge for late filing of declaration of \$130.00, and an additional claims fee of \$384.00.

It is requested that a corrected filing receipt be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Cameron K. Weiffenbach  
Registration No. 44,488

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 CKW:dtb  
**Date: March 28, 2000**  
Facsimile: (202) 756-8087

## FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/464,767	12/16/99	1646	\$1,494.00	50179-073	23	24	7

MCDERMOTT WILL & EMERY  
600 13TH STREET N W  
WASHINGTON DC 20005-3096



RECEIVED  
FEB 04 2000

MW&E

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) SUDHANSU VRATI, RESIDENCE NOT PROVIDED; GERALD WAYNE BOTH, RESIDENCE NOT PROVIDED; DAVID BERNARD BOYLE, RESIDENCE NOT PROVIDED.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
THIS APPLN IS A CIP OF 08/776,274 01/24/97  
AND A CON OF PCT/AU95/00453 07/26/95

FOREIGN APPLICATIONS- AUSTRALIA PM7101 07/26/94

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 02/01/00  
TITLE  
DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE  
AS A VIRAL VECTOR

PRELIMINARY CLASS: 435

DATA ENTRY BY: NIMMONS, EVELYN TEAM: 02 DATE: 02/01/00



(See reverse for new important information)

Docket No.: 50179-073



~~SECRET~~

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Gerald Wayne BOTH, et al. :  
Serial No.: 09/464,767 : Group Art Unit: 1646  
Filed: December 16, 1999 : Examiner:  
For: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL  
VECTOR

*[Handwritten signature]*  
3

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts of Application dated February 1, 2000, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Late Filing Fee Surcharge of \$130.00
3. Request for Corrected Filing Receipt
4. Information Disclosure Statement
5. Assignment

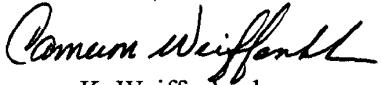
Please charge Deposit Account No. 500417 in the amount of \$130.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

09/464,767

It is requested that a corrected official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Cameron K. Weiffenbach  
Registration No. 44,488

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 CKW:dtb  
**Date: March 28, 2000**  
Facsimile: (202) 756-8087

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/464,767 12/16/99 VRATTI

0222/020

JC86  
MAR 28 2000MCDERMOTT WILL & EMERY  
600 13TH STREET N W  
WASHINGTON DC 20005-3096S 50179-073  
*HS*

NOT ASSIGNED

4 1646

DATE MAILED:

02/01/00  
4**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*  
 **small entity (statement filed)**  **non-small entity** is \$ 130

1. The statutory basic filing fee is:

missing.  
 insufficient.

*Applicant must submit \$ 130 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

2. The following additional claims fees are due:

\$ 130 for 1 total claims over 20.

\$ 130 for 1 independent claims over 3.

\$ 130 for multiple dependent claim surcharge.

*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing or unsigned.  
 does not cover the newly submitted items.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

*A properly-signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

*Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).*

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*EN*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

09/464,767  
00000069 300417  
03/30/2000 KTE/SH  
130.00 CH  
01 FC:105